

**European Union Conditionality: Coercion or Voluntary Adaptation?**

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*Abstract*

Research on the enlargement conditionality of the European Union sustains opposite positions on the question of whether it represents a means of coercion or an invitation to voluntary adaptation. However, it reveals no dialogue between advocates of these opposed views.

In an attempt to replace this gap in communication with a research agenda, this paper undertakes a theoretical investigation of the main arguments for regarding compliance with conditionality either as an effect of coercion or as a voluntary choice. It is argued that both of these views are premature and require further empirical and theoretical clarification. It is suggested, moreover, that coercion and voluntary adaptation are best viewed as complementary rather than competing descriptions of complying with conditionality.

Since the end of the Cold War the European Union has made use of conditionality in an increasing number of policy areas. Lending programs, trade agreements, foreign aid, and the Eastern enlargements have been promulgated through processes in which countries are required to meet certain conditions. Conditionality is also part of an established practice in global governance, featuring most notoriously in the development programs of the World Bank and the International Monetary Fund. And although trends like China's economic engagement in Africa and the repayments of foreign debts in South America might limit the impact of Western conditionality, its scope and political significance remain incontestable. Indeed, in Angola, Belarus, Cuba, Indonesia, Macedonia, Serbia, Turkey, Zimbabwe, and many other places, people continue to be subject to conditions set for them by international powers.

A considerable amount of research has analyzed the enabling factors and transformative powers of conditionality.<sup>1</sup> Among the specific conditions covered in this literature are liberal democracy, human rights, the rule of law, good governance, and market liberalism. Most of this research, however, has been positive rather than normative; and what is more, it has been undertaken with little attention to the fundamental question: What is conditionality? This is the general problem which I propose to focus on in this paper – and especially on its implications for concepts of coercion, voluntary choice, and normative justifiability.<sup>2</sup>

From one perspective conditionality can be defined simply as the practice of setting conditions for the provision of a good from one actor or organisation to another.<sup>3</sup> Membership of the EU, to use the example invoked most frequently in this paper, is afforded only if an applicant country meets the Copenhagen criteria, namely a functioning market economy with institutional protection of democracy, minorities, human rights, the rule of law, and implementation of the *acquis communautaire*. This notion of conditionality appears to be dominating in official EU discourse and may also have some relationship with market liberalism. The correlated interpretation of compliance is one of voluntary choice. After all, a country may simply decline what is offered to it and thereby make irrelevant the conditions on which the offer is made.

From another perspective, more oriented towards realism or Marxism in international relations, conditionality can be defined as the practice of a stronger actor imposing reforms on a weaker.<sup>4</sup> On the basis of this conception, to comply with the membership conditions of the EU is not necessarily to make a free choice, but to acquiesce in the only available means of escaping from an intolerable condition, such as lawlessness, humanitarian crises, security threats, which the target country of course never chose. The more general sense in which coercion plays a role in such cases is that applicant countries will implement reforms not because they want to, but because it is required by the EU.

The normative difference between the two interpretations can perhaps be grasped through their respective possible implications for democracy. Does the EU use conditionality to help liberate people from authoritarian or totalitarian structures in their past and thereby to strengthen their incipient democracy? Or is the tendency of the EU rather to use conditionality to impose its own preferred institutional structures, with little or no readiness to let the people most affected decide for themselves?

The political implications of this question should not be underestimated. To the extent that conditionality is coercive, the legitimacy of an enlarged Union is at risk. This is for two reasons. The legitimacy of a rule presupposes that it is normatively justifiable.<sup>5</sup> Coercion, on

the other hand, is often thought to represent a *prima facie* wrong, which implies that the legitimacy of coercion requires a normative justification beyond what in a process of voluntary adaptation.<sup>6</sup> In descriptive and sociological, this means that reforms imposed on a country by an outside actor might lack legitimacy because the population thinks they represent an unjustified subordination. Moreover, once a new member has fully entered the Union, any perception of injustice having taken place during the period of probation may return to provoke unwillingness to compromise or to abide by common decisions.<sup>7</sup> Whether this is a plausible scenario might be investigated in, say, the Bulgarian proposal to restart two nuclear plants, Kozloduy 3 and 4, shut down in 2006 as required by the EU before Bulgaria's accession to the Union in 2007,<sup>8</sup> or in the unexpectedly offensive rhetoric used by Poland in the negotiations over the reform treaty from March to June, 2007.<sup>9</sup> What we can conclude at this stage, however, is that there is at least a risk that weaknesses in normative justifiability – and therefore in the legitimacy of public power – can result in a weakened capacity for problem solving.

Hence there are good reasons to investigate the assumptions, empirical and theoretical, that underlie the alternative possible answers to the question of whether compliance with conditionality is an effect of coercion or a voluntary choice – or whether some third interpretation is available. What I will argue is that both overarching interpretations of complying with conditionality – as coercion and as voluntary adaptation – must be taken seriously. Each can be grounded in conceptual assumptions which are not obviously flawed, and each can be interpreted as assuming empirical conditions which are by no means improbable. As consequence, I will outline a number of theoretical and empirical investigations which a serious defence of either position should include. Moreover, I will suggest a conceptual framework on the basis of which coercion and voluntary adaptation are complementary rather than competing descriptions of complying with conditionality. As we will see in the next section, this argument is in sharp contrast with much of the prevailing literature. The standard way of proceeding has been to take either one or the other interpretation for granted. In contrast, I offer the outline of a research agenda on conditionality which engages with, rather than brackets, a chief normative matter under contention.

## The Debate on Enlargement Conditionality

Some authors regard conditionality as an element in a process of *learning, socialisation, norm diffusion*, and *voluntary adaptation*, while others regard it as inherently *coercive* or as an element in a process of *compulsion* or *imposition*. Let me review a few examples of the differing vocabularies that have been applied to this topic.

At the one extreme of the debate we find Geoffrey Pridham, who denies outright that conditionality as practiced by the EU in the process of enlargement is coercive: 'It is necessary here to point out the limitations to democratic conditionality. Essentially, it trades on persuasion and therefore influence. There is no element of coercion, although the ultimate sanction of aborted membership negotiations can be effective'<sup>10</sup>

Tanja A. Börzel and Thomas Risse move one step away from viewing conditionality as voluntary adaptation by describing it as a means to 'manipulate cost-benefit calculations' of the target countries.<sup>11</sup> This vocabulary does not preclude coercion: for whoever has the power to raise or lower the cost of an action has the power to present the actor with alternatives one of which he or she will be unwilling or unable to perform. This point, however, is not made by Börzel and Risse. They instead argue that 'compliance management rather than enforcement ... correspond[s] to the EU's self-understanding as a civilian power', and that '[s]ocialization also appears to be more promising since the EU has no means of forcing the more than 120 countries with which it has signed cooperation and association agreements into compliance with democracy and human rights norms'.<sup>12</sup> Hence the undeniable conditionality in the foreign policy of the EU does not seem to have been necessarily or even contingently accompanied by coercion, according to Börzel and Risse.<sup>13</sup>

Ulrich Sedelmeier and Frank Schimmelfennig take a stand in the middle ground between the two extremes which regard conditionality as either an instrument of coercion or an invitation to voluntary adaptation. On the one hand, Sedelmeier and Schimmelfennig avoid terms like *domination, coercion* and *imposition* throughout their analysis of conditionality; on the other, they make the setting of conditions a part of their External Incentives Model, according to which prevailing actors are able 'to threaten the others with noncooperation and thereby *force* them to make concessions'.<sup>14</sup> Such shifts in vocabulary are worth noting as indications of some possible difficulty in the application of binary conceptions of force or coercion in the context of enlargement conditionality.

A more straightforward understanding of conditionality as coercive is developed by Wojciech Sadurski, who describes it as 'imposed', 'dictated', and 'forced upon the candidate

states'.<sup>15</sup> However, Sadurski is not explicit as to whether the coercive element is limited to the act of setting conditions – something which target states have limited normative claims to influence – or whether coercion is to be regarded as inherent in compliance itself – something which the target states have very strong normative claims to influence. This final possibility of voluntariness in the concept of conditionality is denied outright by Philippe Schmitter; conceptualising international factors which may affect the democratization of states, he distinguishes between contagion, control, consent, and conditionality, the last of which he describes by saying that its 'hallmark is the deliberate use of coercion – by attaching specific conditions to the distribution of benefits to recipient countries – on the part of multilateral institutions'.<sup>16</sup>

It is striking in these contributions that, despite their diverging and sometimes competing vocabularies, none of them actually argues in favour of its preferred terms in contrast to recognized alternatives. That is, the formulations currently stand as intuitive interpretations of conditionality rather than considered judgments. What we need to do is therefore to establish a framework for investigating whether compliance with conditionality is in the main an effect of coercion or a voluntary choice. To be precise, my intention is not to argue in favour of any of these positions, but to demonstrate that none of them can simply be taken for granted and that their use in academic debate should therefore be accompanied by investigations like those introduced in the following sections. I will begin with some general remarks on the definition of coercion and voluntary choice.

### **Coercion and Voluntary Choice**

The concept of coercion investigated here can be defined as an action whereby *A* makes *B* do something which *B* would not have done in the absence of *A*'s requirements. This view of coercion is more restrictive than a definition of power as the probability that an actor will carry out his or her will, independently of whether the actor meets resistance.<sup>17</sup> Where *A* carries out his or her will by cooperating, or even integrating with *B*, we have an instance of power in this sense, but not of coercion. Coercion implies that the actions of *B* would not have been performed in the absence of *A*'s requirements, and hence that the relationship is necessarily conflictual in some sense. Coercion should also be differentiated from the notion of power as the resources possessed by an actor.<sup>18</sup> In that sense, one state can be more powerful than another without compelling the weaker state to obey its decisions. Coercion, however, implies that a capacity to dominate is actually exercised.

Both the conflictual and the exercised nature of coercion also serve to distinguish the concept from the formula of power to which it bears most explicit resemblance, namely Robert Dahl's notion that *A* has power over *B* to the extent that *A* can get *B* to do something that *B* would not otherwise do.<sup>19</sup> When *A* is able to dominate *B* but chooses not to do so, *B* is not coerced by *A*, although *A* retains power over *B*, according to this definition. Moreover, if *A* transfers resources to *B* and thereby enables *B* to act in compliance with *A*'s requirements as *B* would have wanted even in the absence of those requirements, we have an instance of power in this sense, but not of coercion. Coercion, but not power as defined by Dahl, implies that *B* would have acted otherwise in the absence of *A*'s requirements regardless of what resources *B* is in possession of. Hence coercion is a stronger concept, i.e. more restrictively defined, than power according to any of its definitions mentioned above.

Perhaps the most important implication of coercion is that it constrains the target actor's scope of voluntary choice. The scope of voluntary choice is then preliminarily understood as the range and diversity of alternative possibilities of action. The wider the range of actions across which *A* is able to coerce *B*, the narrower the scope of voluntary choice available to *B*. Not all action alternatives should count as instances of voluntary choice, however. If someone points a gun at your head and demands, 'Your money or your life!', he or she is in a sense offering you alternative actions, though the effect of his or her offer, for most people, will be indistinguishable from that of coercion. To eliminate situations of this kind from the notion of voluntary choice we must narrow the definition somewhat.

In the context of enlargement conditionality, one influential but ultimately untenable way of narrowing the notion of voluntary choice is to distinguish between negative and positive conditionality.<sup>20</sup> If the conditionality of *A* affects the interests of *B* in a positive way (in comparison with the status quo) *B*'s action in compliance with the requirements of *A* is then seen as, on the whole, a voluntary choice. If the conditionality of *A* affects the interest of *B* in a negative way (again in comparison with status quo) *B*'s action in compliance with the requirements of *A* is the outcome of coercion and should by implication not count as an instance of voluntary choice.<sup>21</sup> This distinction may seem sensible when applied to interactions among essentially equal actors, but it does not discriminate between the concepts of coercion and voluntary choice in the case of interactions that are unbalanced or asymmetrical already in the status quo. Depending on what social background conditions we are willing to imagine, even an unambiguously coercive alternative such as "Your money or you life!" can be seen as proposing a positive as well as a negative effect on the status quo of the target. If for instance uttered by a pharmaceutical company rather than a gunman, the

choice given to the target actor might be as constrained, but the pharmaceutical company would not worsen but improve his or her status quo.<sup>22</sup> Hence the elements of coercion and voluntary choice in the promulgation of conditionality cannot be separated on the basis of a distinction between negative and positive conditionality.

A better way to account for the observation that some action alternatives do not indicate voluntary choice is to define the maximal level of voluntary choice as the absence of coercion: voluntary choice is maximal where an actor does not at all decide what actions he or she will perform on the basis of requirements imposed by other actors. Since instances of this kind may be extremely rare in contexts of political interest, this definition of maximal voluntary choice may be suspected of unduly expanding the scope of coercion at the expense of voluntary choice. However, that implication is balanced by a contrary one. Maximal coercion can be identified in an equivalent way, namely as the absence of voluntary choice: coercion reaches its highest point when the target is left with no alternative action at all. Since such instances would also seem to be rare in contexts of political interest, the general implication for research is to go beyond a classification of extreme cases in terms of either coercion or voluntary choice (although that remains an issue) and assess the balance between these concepts in areas of action where some alternatives are constrained while others are not. That is achievable by identifying actions performed only because they are required by other actors *and* identifying available alternative actions.

An important implication of this way of reasoning is that a particular act of compliance can be an effect of coercion as well as of voluntary choice. There is surely no contradiction involved in saying (1) that an actor is coerced to perform a certain action, in the sense that the action is not a result of an unconstrained choice and that the actor would have acted otherwise in the absence of requirements imposed by another actor, and (2) that the same action is a result of voluntary choice in the sense that the actor could have acted differently. Coercion with regard to one set of alternative actions does not imply coercion with regard to all every alternative action. Coercion and voluntary adaptation are conceptually distinct but may work together in practice. With these clarifications in mind, let us now consider the reasons why compliance with conditionality can possibly be conceived of as a voluntary choice or an effect of coercion.

### **Conditionality as voluntary choice**

Compliance with enlargement conditionality is in the main a matter of voluntary choice. This conclusion would seem to follow from two premises. First, an action is voluntarily chosen to

the extent that alternative actions are available to the actor (P1). Second, all applicant countries have the option of not entering the European Union and thus of not complying with the enlargement conditionality (P2).

The definition of voluntariness in P1 in terms of choice and alternatives is the same as in any conception of a free market, where actors are not necessarily free in any other sense than that they are free not to consume, not to invest, and not to produce. The definition is also well established in the literature on freedom and autonomy<sup>23</sup> and certainly not tailored to lead to any particular conclusion in this specific case (P1P1).<sup>24</sup> An evident observation in support of P2, moreover, is that not all European countries are in the process of joining the Union, and one country has even declined membership twice (Norway in 1972 and 1994). Moreover, a number of applicant countries – including Slovakia under Meciar, Croatia under Tudjman, Serbia and Turkey under several regimes – have failed, by choice or otherwise, to comply with the conditions for accession. Hence the possibility of not complying with the conditionality attached to membership has been realized in practice (P1P2). Second, a country which abstains from membership will have no ‘extra costs’<sup>25</sup> imposed on it by the Union, beyond the loss of such future benefits as would flow from membership thereof. The new members from Central and Eastern Europe, after all, were not subdued by threats of economic sanctions, much less military ones. Hence the Union does not act in any way to impair a country’s possibility of abstaining from membership (P2P2).

To sustain a common debate among researchers with opposing views on the coercive or voluntary nature of conditionality it is probably more fruitful to give critical attention to P2 than to P1. While a defender of P2 will agree that its truth is empirically contingent, and therefore open for negotiation, a defender of the ontological and conceptual P1 might (in my view erroneously) treat it as an issue on which there is little to learn from scholars operating within other paradigms.<sup>26</sup> Confining therefore our attention to P2, some difficulties in its supportive argument should be noted. P1P2 jumps from the observation that some countries have demonstrated their ability to abstain from membership to the conclusion that all countries possess that ability. But there are, after all, some economic and geopolitical differences between, say, Norway and Latvia, affecting their respective ability to reject membership of the EU (C1P1P2). While it is clear that P1P2 is insufficient to establish the truth of P2, the further question concerns the extent to which this poses a practical problem, and not just a logical one. This leads on to empirical questions: Is there any common characteristic among countries that are able to reject membership or resist the conditions of the EU? Big members like Poland, as well as applicants like Turkey, may have stronger



positions than smaller members like Latvia, or applicants like Macedonia. Wealthy countries like Sweden and Austria may have weaker positions than wealthier neighbours like Norway and Switzerland. To the extent that membership and sustained compliance with conditionality cannot be explained by such factors, there is reason to question the scope within which C1P1P2 actually operates in practice.

As for P2P2, there are two independent counterarguments (C1P2P2 and C2P2P2), which we will investigate in order. C1P2P2 recognises that P2P2 does not actually imply P2. It may indeed be the case that a candidate country is unable to abstain from membership not because of what the EU does, but because of what some other international power threatens to do – or because of structural constraints within the country itself. Let us say that the alternative to Romania's integration westwards were a continuation of the economic distress that had led to the humanitarian crises of the early 1990s, when international broadcasters depicted the country as a wasteland of hollow-eyed children starving to death in state institutions. The typical dramatization of Western media aside, the drop in GDP per capita from 2,313 to 848 US dollars in current prices between 1989 and 1992 was real enough.<sup>27</sup> So when, at the Copenhagen summit in 1993, the EU announced its enlargement conditionality, the Romanians should have been ready to listen.

Or say that the alternative to Latvia's accepting membership of the EU had been domination by its sometime occupier, Russia. The situation was particularly sensitive since Latvia had denied its Russian minority full citizenship and created tensions with the Russian state as a result. Depending on whether the threat was mainly military or economic, the main provider of Latvian security could have been either the EU or NATO (both included Latvia in 2004). However, the close relationship between these organisations implied that any hypothetical attempt by Latvia to join one while rejecting membership of the other would certainly have impeded its accession to both organisations. Not only were the leading states of the EU also members of NATO, but the enlargement conditionality of *both* organisations included, among other things, democracy and the rule of law.<sup>28</sup> Moreover, a unilateral rejection of membership of either EU or NATO would have called the westernisation of Latvia into question, and provided Russia with a motive to interfere more assertively in that process.

The above alternatives to membership of the EU should perhaps not count as characteristic of voluntary choice any more than does the gunman's or the pharmaceutical company's alternative. More definitely, however, the examples demonstrate how P2P2 fails to account for factors which can indeed constrain the possibilities of abstaining from

membership: namely the costs imposed on applicant countries by third powers or their domestic structures (C1P2P2). To assess the practical relevance of this objection, we should once again turn to empirical methods. This time we will ask: Do candidate countries seem likely to suffer from severe economic and security costs if they fail to agree with conditions imposed for membership of the Union? To the extent that further investigations point to an affirmative answer the case for regarding conditionality as an element in voluntary adaptation is weakened – and *vice versa*. Empirical contributions may come in various forms; public opinion surveys and elite interviews can cover the general perceptions of economic or security crises while analyses of the correlation between compliance with conditionality and traditional indicators of power (such as size of population, economy, and military) as well as various measures of vulnerability (such as territorial and organizational proximity to a potentially aggressive foreign power, and the degree of economic self-sufficiency) can further indicate whether compliance with conditionality tends to occur as a consequence of foreign domination. Objective measure of crises – such as the rate of infantile death or territorial violations by third parties – can be used as further indicators of the need to integrate with more stable and economically more prosperous neighbours. Hence the question of which position is more convincing, P2P2 or C1P2P2, can, to some extent, be answered by empirical methods.<sup>29</sup>

C2P2P2 takes a more radical position, rejecting altogether the notion, in P2P2, that the EU does not impose any extra costs on candidate countries abstaining from membership. The EU is a dominating regional organization which has taken over the supreme decision-making power of its member-states concerning the transnational movement of persons, goods, services, and capital. Hence a country choosing not to enter the organisation will experience a severe constraint on its possibilities of sustaining and developing a variety of relationships with even its most neighbouring states. Moreover, a non-member may well perceive this situation as worse even than the one which would obtain if the EU had never existed. With many potential partners of exchange in the region, the non-member would have a stronger bargaining position than it could have if it were forced to come to terms with a single dominating power.

The empirical side of C2P2P2 is obvious. Of course membership will serve as a facilitator of transnational exchange among EU-countries. But one of its ontological assumptions prompts further inquiry: namely the contention that the EU imposes costs on its neighbouring non-EU countries by constraining their transnational exchanges. Is it correct to describe such effects as *costs imposed*, rather than *potential benefits withheld*, by the EU?

That would seem to depend on what territorial level is given ontological priority – individual states or the world as a whole (or some territorial level in between). Assuming that individual states are prior to larger territorial units, a single state is not coerced by others when it is prevented from participating in international exchanges. While any state can agree to conduct exchanges with other states, it must, in the international realm, abide by the possible veto of those other states. This is merely a corollary of the conception of sovereignty as supreme authority within a territory.<sup>30</sup> If on the other hand, the political unit from which a deviation is to be justified consists of some larger territorial unit, such as the world as a whole, the people in one country will indeed be coerced if, without their consent, they are rendered unable to engage in exchange with their counterparts in other countries. This position can be developed according to the view that state boundaries are the product of arbitrary historical forces rather than moral reflection,<sup>31</sup> or the related view according to which the world, in a moral sense, is owned jointly by all its inhabitants.<sup>32</sup> From these viewpoints it is the presence, not the absence, of barriers to transnational exchange that must be agreed upon by people in both nations, for such barriers to be judged the result of voluntarily chosen policies.

Hence whether or not C2P2P2 is tenable is a question calling for a normative investigation of what action alternatives should be available to particular states. If C2P2P2 is found untenable, the accuracy of P2 as well as the overall case for regarding conditionality as a means of voluntary adaptation ought to be settled mostly by the kind of empirical investigations suggested above for testing C1P2P2 and C1P1P2 (additional enquiries may still be needed in relation to P1). If, on the other hand, C2P2P2 can be maintained, then P2 will collapse along with the thesis that compliance with conditionality is a form of voluntary adaptation.

### **Conditionality as coercion**

One sense in which conditionality could be regarded as coercive is that an applicant state will sometimes have to undertake changes which it expressly dislikes. The analysis of this argument forms a less complex structure than the one in the preceding section and can be pursued without formal terminology. Latvia long refused to provide full citizenship to members of its Russian minority but has gradually moved into greater compliance with EU norms.<sup>33</sup> In Eastern Europe there is considerable popular support for the use of the death penalty, though in all countries it was speedily abolished in the course of application and accession to the EU.<sup>34</sup> The reduction of the Bulgarian nuclear programme in 2006 as a

consequence of EU requirements appears to have been opposed by about 75 percent of the population as well as a majority in parliament.<sup>35</sup>

It seems initially plausible to say that an external power was constraining choice in these cases, but the conclusion requires that some objections be met. Consider the relevance of the empirical instances of coercion just mentioned. The relevant actions of candidate states, it could be argued, are not certain particular reforms — some of which are obviously not desired — but rather the decision to enter the accession process itself, a decision endorsed by all candidate countries. As long as we observe the right unit of analysis, there will then be no direct evidence of coercion. If the accession process is aborted, so are the particular changes it required. The voluntariness of the accession process as a whole removes coercion from particular reforms within that process. Of course, we might still come to believe that conditionality is coercive if some future research agenda established that, for certain countries, there are no sustainable alternatives to rejecting conditionality and the membership contingent upon it. But if there are no adequately conceptualised cases which show that applicant countries have performed any of their actions unwillingly, there is little reason to embark on such a research agenda in the first place.

However, the view of coercion as a spurious phenomenon fabricated by inadequate conceptualisation of the units of analysis ignores a fundamental element in the structure of the original argument. The two alternative focuses — on the process as a whole and on particular changes — are essentially equal in that the truth conditions of each are dependent on those of the other. It is not only that the decision of a candidate country to call off its process of accession will free it from unwanted reforms; it is also that the decision not to undertake such reforms will prevent it from acting as a member within the Union. In both cases the candidate country has a choice, but in neither can it avoid coercion in the sense of acting otherwise than it would have done had the EU not chosen to require particular actions. There appears therefore to be no valid reason to disregard instances of coercion in such cases merely because they are part of a process which, as a whole, is not coercive. While some actions are not coerced, some are.

A second and more fruitful objection against the view of compliance as an effect of coercion is that the underlying concept of power covers too much ground. The basic definition, that *A* coerces *B* to the extent that *A* gets *B* to do something *B* would not have done in the absence of *A*'s requirements, captures not only actions performed by candidate countries but also some of those performed by the EU itself in the course of its enlargement; the changing of composition and voting rules in European institutions is an obvious example,

and the reform of the common agriculture policy might have been another. It would then seem misleading to conclude from the empirical instances mentioned above that one side is dominating the other if in fact both sides dominated each other.

While this objection is logically valid, its empirical accuracy is less sure. Researchers put different emphases on the division between the EU and the candidate countries, as well as on the tendency of the EU to alter its own policies and institutions, in the enlargement process. Pridham argues that the EU did not adapt very much to its new members in the Eastern enlargement;<sup>36</sup> Friis that the Eastern enlargement exercised a strong influence on the EU to modify its foundational treaties;<sup>37</sup> Börzel and Risse that the political procedures of the enlargement are similar to the open method of co-ordination with its vision of mutual learning and adaptation in accordance with a common goal.<sup>38</sup> Such variation in emphasis indicates that we do not yet know with any precision the extent or direction of the coercion the parties on either side of the enlargement negotiation table are exercising. Comparative analyses of the scope and importance of wanted and unwanted adaptations in the candidate states, as well as in the EU and the old member-states, remain therefore an important research agenda. Central objects of study will include public attitudes to particular changes required by accession/enlargement; parliamentary opposition or consent to changes required by enlargement/accession; and views of negotiating officials with regard to wanted and unwanted changes. Only when we can account for the more definite results of such research will we know whether the description of enlargement conditionality as a means of coercion vis-à-vis can be justified.<sup>39</sup>

## **Conclusion**

Research on conditionality sustains opposite positions on the normatively crucial question of whether it represents a means of coercion or an invitation to voluntary adaptation, but it reveals no dialogue between advocates of these opposed views. In view of the investigation undertaken in this paper, both of the contrasting answers appear premature. On the one hand, the view of conditionality as coercion takes for granted what empirically appears to be controversial, namely that applicant countries are in fact adapting in unwanted directions to an extent which present members are not. On the other hand, the view of compliance as voluntary adaptation in this case confuses the concept of voluntary choice with improvement of status quo: in the absence of acceptable alternatives, an offer to improve the status quo does not imply voluntary choice. These critiques, and others not summarised here, are broadly consistent with the position of authors who alternate between viewing enlargement

conditionality in coercive and in voluntaristic terms.<sup>40</sup> This paper has furthered that position in two important respects. First, by specifying what questions need to be addressed in order to assess the coercive or voluntary character of complying with conditionality, it breaks with the tendency among earlier contributors to base such assessments on intuitive judgements. Secondly, it explains how coercion and voluntary choice can be thought of as conceptually distinct while operating together in the empirical context of conditionality.

There are several literatures which would benefit from engagement in the research agenda illustrated by this argument. First, and most naturally, such engagement would add to the normative relevance of findings in the literature on Europeanization and conditionality.<sup>41</sup> Secondly, it would further the debate on the policy and identity of the Union as an actor in international politics.<sup>42</sup> Thirdly, it would yield new insights into why member states establish particular patterns of cooperation in the Union once it has been enlarged;<sup>43</sup> injustices in the accession process can produce resentment against particular states and institutions in future negotiations. Fourthly, it would qualify arguments which posit legitimacy as an essential ingredient for the efficiency and sustainability of global governance.<sup>44</sup> In view of all this, there appears to be good reason to join a second generation of studies on enlargement conditionality – one which engages in, rather than brackets, a main normative matter of contention.

## NOTES

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<sup>1</sup> For the impact of European conditionality see for instance, Geoffrey Pridham, 'Complying with the European Union's Democratic Conditionality: Transnational Party Linkages and Regime Change in Slovakia, 1993-1998' *Europe-Asia Studies* 51, no. 7 (1999): 1221-1244; Heather Grabbe, 'How does Europeanization affect CEE governance? Conditionality, diffusion and diversity' *Journal of European Public Policy* 8, no. 6 (2001): 1013-1031; Jacoby Wade, *The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe*. (Cambridge: Cambridge University Press, 2004); Ulrich Sedelmeier and Frank Schimmelfennig (eds.), *The Europeanization of Central and Eastern Europe* (Ithaca: Cornell University Press, 2005); Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage, and Integration After Communism* (Oxford: Oxford University Press, 2005).

<sup>2</sup> In this paper normative conceptions will be used neither to explain policy outcomes (in contrast to Helen Sjursen, 'Why Expand? The Question of Legitimacy and Justification in the EU's Enlargement

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Policy', *Journal of Common Market Studies* 40, no. 3 (2002): 491-513) nor to define the identity of an actor (in contrast to Ian Manners, 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies* 40, no. 2: 235-258) but to address the moral question of what political decisions should be made, and how (similar to Erik Oddvar Eriksen, 'The EU – a cosmopolitan polity?' *Journal of European Public Policy* 13, no. 2 (2006): 252-269).

<sup>3</sup> Jeffrey T. Checkel, 'Compliance and Conditionality', *ARENA Working Paper Series* 18/2000. Available at [www.arena.uio.no/publications/working-papers2000/papers/00\\_18.xml](http://www.arena.uio.no/publications/working-papers2000/papers/00_18.xml). Accessed 2007-11-27.

<sup>4</sup> Adrian Hyde-Price, "'Normative" power Europe: a realist critique', *Journal of European Public Policy* 13, no. 2 (2006): 217-234; cf. James Hughes, Gwendolyn Sasse and Claire Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe. The Myth of Conditionality* (Houndmills: Palgrave Macmillan, 2004), 3.

<sup>5</sup> David Beetham, *The Legitimation of Power* (Basingstoke: Macmillan, 1991).

<sup>6</sup> Scott Anderson, 'Coercion', *The Stanford Encyclopedia of Philosophy (Spring 2006 Edition)*, ed. Edward N. Zalta, available at <http://plato.stanford.edu/archives/spr2006/entries/coercion/>, accessed 2008-06-18.

<sup>7</sup> Helen Sjursen and Karen Smith, 'Justifying EU foreign policy: the logics underpinning EU enlargement' in *Rethinking European Union Foreign Policy*, ed. Ben Tonra (Manchester: Manchester University Press, 2004), 129.

<sup>8</sup> *World Nuclear Association*, 'Nuclear Power in Bulgaria' (Mai 20, 2008), available at <http://www.world-nuclear.org/info/inf87.html>, accessed 2008-06-17.

<sup>9</sup> Recall among other unforgettables: 'the square root or death'. In this slogan the 'square root' referred to a certain distribution of voting points in the Council of Ministers; see *Spiegel Online International*, 'The Unloved Neighbors (sic)' (June 20, 2007), available at <http://www.spiegel.de/international/europe/0,1518,489510,00.html>, accessed 2008-06-17.

<sup>10</sup> Pridham 'Complying with the European Union's Democratic Conditionality', 1223. See also Sjursen, 'Why Expand?', 495.

<sup>11</sup> Börzel, Tanja A. and Thomas Risse, "One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law", draft paper (2004) available at [http://www.atasp.de/downloads/tandt\\_stanford\\_final.pdf](http://www.atasp.de/downloads/tandt_stanford_final.pdf), accessed 2008-06-18, page 26.

<sup>12</sup> *Ibid.*, 29.

<sup>13</sup> For a similar position within a more rationalist theoretical framework, Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, 'Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey', *Journal of Common Market Studies*, 41, no. 3 (2003): 497.

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<sup>14</sup> Sedelmeier and Schimmelfennig, *The Europeanization of Central and Eastern Europe*, 10, my italics.

<sup>15</sup> Wojciech Sadurski, 'Accession's Democracy Dividend: The Impact of the EU Enlargement upon Democracy in the New Member States of Central and Eastern Europe', *European Law Journal* 10, no. 2 (2004): 371-401, 375, 379, *et passim*.

<sup>16</sup> Philippe C. Schmitter, 'The Influence of the International Context Upon the Choice of National Institutions and Policies in Neo-Democracies' in *The International Dimensions of Democratization. Europe and the Americas*, ed Laurence Whitehead (Oxford : Oxford University Press [1996] 2001), 30. See also, e.g., Hyde-Price, "'Normative power Europe": a realist critique', 227; and Stephen R. Hurt, 'Co-operation and coercion? The Cotonou Agreement between the European Union and acp states and the end of the Lomé Convention', *Third World Quarterly* 24, no. 1, pp (2003): 166.

<sup>17</sup> Max Weber, *Economy and Society* (Berkeley, Los Angeles and London: University of California Press, [1922] 1978), 53. My interpretation of Weber's formulation accords largely with that of Isidor Wallimann, Howard Rosenbaum, Nicholas Tatsis and George Zito in their 'Misreading Weber: The Concept of "Macht"', *Sociology* 14, no. 2 (1980): 264.

<sup>18</sup> Kenneth N. Waltz, *Theory of International Politics* (New York : McGraw-Hill, 1979): 129-31; cf. Linus Hagström, 'Relational power for foreign policy analysis: Issues in Japan's China policy,' *European Journal of International Relations* 11 no. 3 (2005): 396-399.

<sup>19</sup> Robert Dahl, 'The Concept of Power', *Behavioural Science* 2 (1957): 201-215. Reprinted in *Power: Critical Concepts*, ed. John Scott (London and New York: Routledge, 1994), 290.

<sup>20</sup> E.g. Pridham, 'Complying with Democratic Conditionality'; Sjurgen, 'Why enlarge?'; Schimmelfennig, Engert and Knobel, 'Costs, Commitment and Compliance'.

<sup>21</sup> For an application of this idea in a more general context, see also Rudolph J. Rummel, *Understanding Conflict and War: Vol. 2: The Conflict Helix* (Beverly Hills: Sage, 1976), Ch. 21.

<sup>22</sup>Cf. Scott Anderson, 'Coercion', *The Stanford Encyclopedia of Philosophy (Spring 2006 Edition)*, ed. Edward N. Zalta, available at <http://plato.stanford.edu/archives/spr2006/entries/coercion/>, accessed 2008-06-18.

<sup>23</sup> E.g. Kjell Goldmann, *The Transformation of the Nation-State* (London: Sage, 2001), 64, 156; Amartya Sen, *Freedom and Rationality* (Cambridge, Mass, and London: The Belknap Press of Harvard University Press, 2002), 13; Sebastiano Bavetta and Francesco Guala, 'Autonomy-Freedom and Deliberation' *Journal of Theoretical Politics* 15, no. 4 (2003): *et passim*.

<sup>24</sup> Arguments will be named as follows. P1 is the first pro-argument (or a premise which together with others make up a pro-argument) for a given thesis. P2 is the second pro-argument for a given thesis. P1P2 is the first pro-argument for the second pro-argument for a given thesis. Counter-arguments are named C1, C2, C3, etc. For instance, C2P3P1 is the second counter-argument against the third pro-



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argument in support of the first pro-argument for a given thesis. See Arne Naess, *Communication and argument: elements of applied semantics* (Oslo: Universitetsforlaget, 1966).

<sup>25</sup> Schimmelfennig, Engert and Knobe, 'Costs, commitment, and compliance', 497.

<sup>26</sup> Thomas S. Kuhn, *The structure of scientific revolutions*, Second edition (Chicago: University of Chicago Press, 1970).

<sup>27</sup> UN statistics, available at <http://unstats.un.org/>, accessed 2008-06-12.

<sup>28</sup> The conditionality of NATO was more limited, though; see Friis, 'EU enlargement ... and Then They Were 28'.

<sup>29</sup> For an example of how empirical research on enlargement has begun to move in this direction, see Christina J. Schneider, 'Enlargement processes and distributional conflicts: The politics of discriminatory membership in the European Union', *Public Choice* 132, no. 1-2 (2007): 85-102.

<sup>30</sup> Dan Philpott, 'Sovereignty' *The Stanford Encyclopedia of Philosophy* (Summer 2003), ed. Edward N. Zalta, available at <http://plato.stanford.edu/archives/sum2003/entries/sovereignty/>, accessed September 2007.

<sup>31</sup> E.g. Jürgen Habermas, 'Constitutional Democracy: A Paradoxical Union of Contradictory Principles', *Political Theory* 29, No. 26 (2001): 766-81.

<sup>32</sup> E.g. *Left-Libertarianism and Its Critics: The Contemporary Debate*, eds. Peter Vallentyne and Hillel Steiner (Basingstoke: Palgrave, 2000).

<sup>33</sup> Schimmelfennig, Engert and Knobel, 'Costs, commitments, and compliance'.

<sup>34</sup> Manners, 'Normative Power Europe'; Craig S. Smith, 'Many in Eastern Europe support death penalty', *International Herald Tribune Europe* (November 20, 2006). Available at <http://www.ihf.com/articles/2006/11/20/news/death.php?page=1>, accessed 2007-11-28.

<sup>35</sup> See fn. 5 above.

<sup>36</sup> Geoffrey Pridham, 'European Union Accession Dynamics and Democratization in Central and Eastern Europe: Past and Future Perspectives', *Government and Opposition* 41, no. 3 (2006): 373-400.

<sup>37</sup> Lykke Friis, 'EU enlargement ... and Then They Were 28', *The European Union: How Does it Work?*, eds. Elisabeth Bomberg and Alexander Stubb (Oxford: Oxford University Press, 2003).

<sup>38</sup> Börzel and Risse, 'One Size Fits All!'

<sup>39</sup> Some of the most useful empirical studies for these purposes are those by Andreas Bågenholm, *The Dynamics of Enlargement: The Role of the EU in Candidate Countries' Domestic Policy Processes*. Report 2006: 4. (Stockholm: SIEPS, 2006). Available at <http://www.sieps.se/publ/rapporter/bilagor/20064.pdf>, accessed 2007-11-30 and Thomas Plumper and Christina J. Schneider, 'Discriminatory European Union membership and the redistribution of enlargement gains', *Journal of Conflict Resolution* 51, no. 4 (2007): 568-587.

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<sup>40</sup> Börzel and Risse, 'One Size Fits All!'; Sedelmeier and Schimmelfennig, *The Europeanization of Central and Eastern Europe*.

<sup>41</sup> See introduction.

<sup>42</sup> E.g. Thomas Diez, 'Constructing the Self and Changing Others: Reconsidering "Normative Power Europe"', *Millennium: Journal of International Studies* 33, no. 3 (2005): 613-36 versus Ian Manners, 'The European Union as a Normative Powers: A Response to Thomas Diez', *Millennium: Journal of International Studies* 35, no. 1 (2005): 167-180.

<sup>43</sup> E.g. *Unveiling the Council of the European Union: Games Governments Play in Brussels*, eds. Daniel Naurin and Helen Wallace (Basingstoke: Palgrave Macmillan, forthcoming 2008).

<sup>44</sup> E.g. John Gerard Ruggie, 'International Regimes, Transactions, and Change: Embedded Liberalism In the Postwar Economic Order', *International Organization* 36, no. 2 (1982), 379-415; *Global Liberalism and Political Order: Towards a New Grand Compromise?*, eds. Steven Bernstein and Louis W. Pauly (New York: State University of New York Press, 2007).